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25 IN THE UNITED STATES DISTRICT COURT
26 CENTRAL DISTRICT OF CALIFORNIA
27 WESTERN DIVISION
28

29 UNITED STATES OF AMERICA
30 and THE STATE OF CALIFORNIA
31 DEPARTMENT OF TOXIC
32 SUBSTANCES CONTROL

33 Plaintiffs,

34 v.

35 REULAND ELECTRIC COMPANY

36 Defendant.

CASE NO.

COMPLAINT

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The United States of America, by and through the undersigned attorneys, by authority of the Attorney General and at the request of and on behalf of the Administrator of the United States Environmental Protection Agency (“EPA”); and the California Department of Toxic Substances Control (“DTSC”), hereby jointly allege as follows:

STATEMENT OF THE CASE

1. This is a civil action brought under Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (“CERCLA”), 42 U.S.C. § 9607, relating to releases and threatened releases of hazardous substances at the Puente Valley Operable Unit of the San Gabriel Valley Superfund Site, Area 4, Los Angeles County, California (the “Site” or “PVOU”), that may present an imminent and substantial endangerment to health or welfare or the environment.

2. Plaintiffs seek reimbursement of certain costs incurred and to be incurred by EPA, the United States Department of Justice (“DOJ”)(hereinafter collectively referred to as the “United States”), and DTSC, including accrued interest, for response actions at the Site, pursuant to CERCLA.

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4. Venue is proper in this District pursuant to 42 U.S.C. § 9613(b), 42 U.S.C. § 6973, and 28 U.S.C. § 1391, because the claims arose and the threatened and actual releases of hazardous substances occurred in the Western Division of the Central District of California.

DEFENDANT

8. EPA determined that Hazardous Substances including 1,1,1 - trichloroethane (TCA) and tetrachloroethene (PCE) were released at the defendant's property in City of Industry, California and that the Hazardous

1 Substances migrated into the groundwater at the PVOU.

2
3 THE SITE

4 9. The Puente Valley Operable Unit of the San Gabriel Valley
5 Superfund Site, Area 4, is a geographic area of groundwater contamination located
6 in Los Angeles County, California. Groundwater from this area is used in
7 domestic and industrial water supply in the San Gabriel Valley. Pursuant to
8 Section 105 of CERCLA , 42 U.S.C. § 9605, in 1984, EPA designated the Site for
9 the National Priorities List, a list of hazardous waste sites posing the greatest
10 threat to health, welfare, or the environment. The Site was included on the
11 National Priorities List given the presence of chlorinated organic solvents
12 throughout much of the groundwater. See 49 Fed. Reg. 19480 (1984).

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14 10. The Site is a “facility” within the meaning of Section 101(9) of
15 CERCLA, 42 U.S.C. § 9601(9).

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17 11. Hazardous substances within the meaning of Section 101(14) of
18 CERCLA, 42 U.S.C. § 9601(14), including, but not limited to tetrachloroethene
19 (“PCE”) and 1,1,1 - Trichloroethane (“TCA”) , have been found at the Site.

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21 12. Defendant disposed of hazardous substances at the Site, including
22 TCA and PCE, and such hazardous substances were found at the Site.

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24 13. There has been a “release” and/or threatened “release” of a hazardous
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1 substance at or from the Site, within the meaning of Section 101(22) of CERCLA,
2 42 U.S.C. § 9601(22).
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4 14. In 1998, EPA issued an Interim Record of Decision requiring
5 remedial action to contain contaminated shallow and intermediate zone
6 groundwater from the Site at the mouth of the Puente Valley.
7

8 15. On June 14, 2005, EPA published an Explanation of Significant
9 Differences (“ESD”) for the Interim Record of Decision, pursuant to Section
10 117(c) of CERCLA, 42 U.S.C. § 9617(c). The ESD requires the containment and
11 treatment of 1,4 dioxane, an additional contaminant of concern recently identified
12 at the Site. The ESD also requires the treatment of perchlorate under certain
13 circumstances.
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17 16. The United States and DTSC have incurred and continue to incur
18 response costs (including interest) in responding to releases or threatened releases
19 of hazardous substances at the Site, which costs are not inconsistent with the
20 national contingency plan.
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23 CLAIM FOR RELIEF
24 COST RECOVERY UNDER CERCLA

25 17. Paragraphs 1 through 16 are incorporated herein by reference.
26

27 18. Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), provides in
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1 pertinent part:

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3 (a) Notwithstanding any other provision or rule of law,
4 and subject only to the defenses set forth in subsection (b) of
5 this section --

6 (2) any person who at the time of disposal of any
7 hazardous substance owned or operated any facility at
8 which such hazardous substances were disposed of . . .
9 from which there is a release, or threatened release which
10 causes the incurrence of response costs, of a hazardous
11 substance, shall be liable for --

12 (A) all costs of removal or remedial action
13 incurred by the United States Government or a
14 State . . . not inconsistent with the national
contingency plan

15 19. Defendant is liable as a current or former owner and/or operator of a
16 facility from which there were releases of hazardous substances into the
17 environment within the meaning of Section 107(a) of CERCLA, 42 U.S.C.
18 § 9607(a).
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21 20. Defendant is jointly and severally liable for response costs (including
22 interest) incurred by the United States and DTSC in connection with the Puente
23 Valley Operable Unit of the San Gabriel Valley Superfund Site, Area 4.
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25 21. Pursuant to Section 113(g)(2) of CERCLA, 42 U.S.C. § 9613(g)(2),
26 the United States and DTSC are entitled to a declaratory judgment that the
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1 Defendant is jointly and severally liable for such future response costs that the
2 United States and DTSC may incur in connection with the Site.
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4 PRAYER FOR RELIEF

5 WHEREFORE, Plaintiffs, the United States and DTSC, respectfully request
6 that this Court:
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8 1. Enter judgment in favor of the United States and DTSC, pursuant to
9 Section 107(a) of CERCLA, 42 U.S.C. § 9607, holding Defendant liable for all
10 unreimbursed costs incurred by the United States and DTSC with respect to the
11 Site, plus accrued interest thereon;
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13 2. Enter a declaratory judgment on Defendant's liability for response
14 costs or damages that will be binding on any subsequent action or actions to
15 recover further response costs or damages; pursuant to Section 113(g)(2) of
16 CERCLA, 42 U.S.C. § 9613(g)(2); and
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18 3. Grant the United States and DTSC such other relief as the Court
19 deems appropriate.
20

21 Dated: August 25, 2008.
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23 FOR THE UNITED STATES OF AMERICA
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25 RONALD J. TENPAS
26 Acting Assistant Attorney General
27 Environment & Natural Resources Division
28 U.S. Department of Justice

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OF COUNSEL:
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1 Dated: August 25, 2008
2

3 FOR THE CALIFORNIA DEPARTMENT OF
4 TOXIC SUBSTANCES CONTROL

5 EDMUND G. BROWN JR., Attorney General
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8 By:

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1 PROOF OF SERVICE BY MAIL

2 I, Lorraine Gonzales, hereby certify and declare:

- 3 1. I am over the age of 18 and am not a party to this case.
- 4 2. My business address is 301 Howard Street, Suite 1050, San
- 5 Francisco, California, 94105.
- 6 3. I am familiar with my employer's mail collection and processing
- 7 practices; know that said mail is collected and deposited with the
- 8 United States Postal Service on the same day it is deposited in
- 9 interoffice mail; and know that postage thereon is fully prepaid.
- 10 4. Following said practice, on August 25, 2008, I served true copies of
- 11 the following documents entitled:
- 12

13 - COMPLAINT

14 to be served upon the persons listed below by U.S. Mail, postage prepaid.

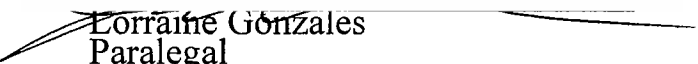
15 SAMUEL I. GUTTER
16 Sidley Austin LLP
17 1501 K Street, N.W.
Washington, DC 20005

18 I declare under penalty of perjury that the foregoing is true and correct.

19 Executed on August 25, 2008, at San Francisco, California.

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22 
23 Paralegal
24 U.S. Department of Justice
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